

# ANNUAL 2001 REPORT



April 2002

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## Message from the Ombudsman

Duncan C. Fowler

**T**he year 2001 marks the 31st year the Office of Citizen Complaints - Ombudsman has been serving King County residents. It also marks the fifth year of my term as ombudsman, which officially ends on September 15th. My time as King County Ombudsman has been both challenging and rewarding.

I have had the good fortune to be part of the ombudsman profession for 22 years in Alaska, Iowa, and here in King County, Washington. Based on my experience and observations, I believe that several changes should be made to strengthen and improve the ombudsman function in King County.

King County's first ombudsman, Lee Walton, tells me one of the reasons that voters approved the County Charter in 1969 was because it contained an ombudsman office. That provision promised the public an independent resource to hear and investigate their complaints about King County government.

Unlike auditor offices which may be partisan, or have their audit plan set and approved by an executive or a legislative body, ombudsman offices take complaints directly from the public. It also is required to report investigative findings back to those who filed the complaint. An important requirement of an ombudsman office is that the

ombudsman-director is non-partisan. In fact in King County, the ombudsman is prohibited from running for public office for two years after leaving the Ombudsman Office. This helps ensure independent reviews of complaints and minimizes the possibility of political influence on ombudsman investigations.

This past summer, the American Bar Association completed a five-year effort to revise and improve the ombudsman standards they originally established in 1969. This latest effort expands on the 1969 standards for legislative ombudsmen offices and provides standards for private sector ombudsman offices as well.

King County's ombudsman code was based on the ABA's 1969 standards and was a model. As is typical for King County, we were on the leading edge of good government practices. The King County Ombudsman Office was one of the first municipal ombudsman offices in the United States.

At that time, the ombudsman code ensured that the office was structured to be independent, in both appearance and reality. The code also contained a provision that made ombudsman investigative records confidential, and not subject to public disclosure. This served to ensure that our office had complete

access to necessary records when investigating citizen complaints. The confidentiality provision also served to prevent retaliation against both complainants and witnesses.

Unfortunately, legislation passed by the King County Council and state legislature over the past 30 years has not allowed our ombudsman code to remain the model it once was. The code needs several changes to meet the standards adopted by the ABA House of Delegates this past August. The changes would ensure that citizen complaint services in King County are provided in an independent, non-political and impartial manner.

An important change that needs to be made to the code to ensure conformance with ABA standards is a provision that the ombudsman may hire and fire staff independent of the council. It is my understanding that this issue has been the source of conflict with the council since 1982, when the code was amended to require the ombudsman to seek concurrence from the council on personnel actions. At that time, then-Executive Randy Revelle noted that the change would only harm the independence of the ombudsman. Executive Revelle allowed that ordinance to be implemented without his signature.

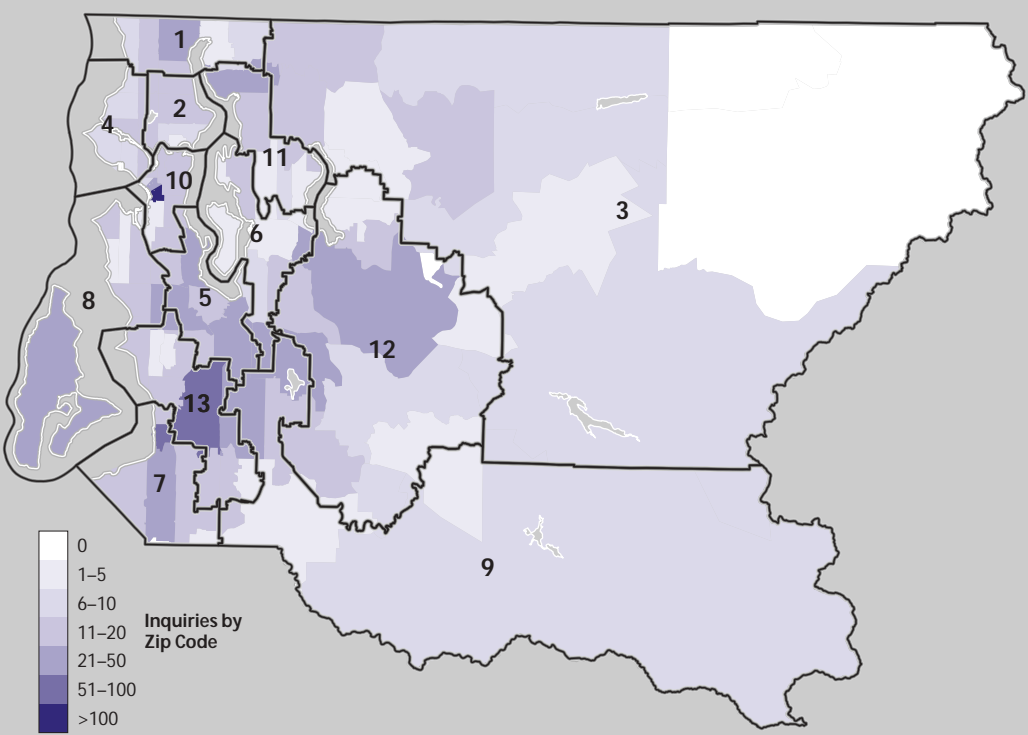


The council should also ensure that the ombudsman has the sole authority to authorize contracts necessary for conducting investigations. And, the council should provide a process that guarantees the appointment of independent legal counsel to the ombudsman when we believe there is a conflict with the Prosecuting Attorney's Office. The city of Detroit grants this authority to their ombudsman in the city charter. The council should endorse state legislation that would give local government ombudsman offices the same confidentiality protections as that granted to those ombudsman offices created in Washington State law.

The council should re-consider having our office investigate ethics complaints against Councilmembers and their personal staff. There is a conflict as long as the council retains control over personnel, budget, and contracting decisions. This relationship has the potential for inappropriate political influence to occur. Most importantly, it reduces public confidence in the objectivity of ombudsman findings in these cases.

PLEASE SEE **Ombudsman** ON PAGE 4

## Where our citizen contacts came from in 2001



The map at left shows where ombudsman contacts came from within King County. Councilmembers and council districts are listed below.

District	Councilmember
1	Carolyn Edmonds
2	Cynthia Sullivan, Chair
3	Kathy Lambert
4	Larry Phillips
5	Dwight Pelz
6	Rob McKenna
7	Pete von Reichbauer, Vice Chair
8	Dow Constantine
9	Kent Pullen
10	Larry Gossett
11	Jane Hague
12	David Irons
13	Julia Patterson

## The ombudsman office — what we do and who we are

The King County Office of Citizen Complaints was authorized by the voters of King County in the County Home Rule Charter of 1968. The King County Council established the Office by ordinance on June 5, 1970. The Ombudsman operates as an independent office within the legislative branch of King County government, and its authorities are spelled out in King County Code Chapter 2.52.

The Director of the Office is appointed to a five-year term upon a majority vote of the County Council. According to KCC 2.52, the Ombudsman Office is empowered to investigate administrative acts of administrative agencies and to publish recommendations for change based on the results of investigations. KCC 2.52 enumerates matters that are appropriate for Ombudsman investigation which include agency actions that are:

- Contrary to law or regulation
- Unreasonable, unfair, oppressive, or inconsistent with the general course of an administrative agency's functioning
- Arbitrary in ascertainment of facts
- Improper in motivation or based on irrelevant considerations
- Unclear or inadequately explained when reasons should have been revealed
- Inefficiently performed
- Otherwise objectionable

## Ombudsman staff

Duncan C. Fowler  
Ombudsman  
Arlene Sanvictores  
Assistant Ombudsman III  
Amy Calderwood  
Assistant Ombudsman II  
Colleen Albrecht  
Assistant Ombudsman II  
Steve Birge  
Office Manager  
Evelyn Dillard  
Ombudsman Secretary

King County Courthouse  
516 Third Avenue, Room 213  
Seattle, WA 98104-2319  
(206) 296-3452 v/tty  
(206) 296-0948 fax  
ombudsman@metrokc.gov  
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## Tax Advisor staff

Anne Williams  
Assistant Tax Advisor III  
Marietta Zintak  
Assistant Tax Advisor II  
Jean Prinzing  
Tax Advisor Secretary  
Hien Luong  
Student Intern

King County Administration Building  
500 Fourth Avenue, Room 540  
Seattle, WA 98104  
(206) 296-5202 telephone  
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taxadvisor@metrokc.gov

# Ombudsman Case Studies



## Carnation Resident Questions DDES Denial of Mobile Home Permit

An East King County resident contacted our office and complained that the Department of Development and Environmental Services had denied his Already Built Construction (ABC) permit. The man was attempting to get financing on his property, which he had bought on contract in 1999. His bank would not provide financing unless his property was in compliance with local building codes.

DDES had denied his permit because the mobile home was located within the Federal Emergency Management Administration (FEMA) Tolt River floodway. New residential structures are prohibited within the FEMA floodway pursuant to KCC 21A.24.260(C), passed in 1993. The only exception is for structural modifications to existing structures, provided there is no increase of the footprint of the existing structure, and the modification is not a substantial improvement. The man told us that the mobile home had been sited on the property well before the FEMA floodway designation. He reasoned that DDES should retroactively grant him the permit.

We reviewed his DDES permit application. One of the documents, a map, showed a singlewide mobile home in the center of the lot. This document had been recorded in connection with a former owner's application to the Health department for a septic system permit. A review of the Assessor's records showed the property as raw land, without any improvements, since at least 1989. However, a 1999 aerial photograph showed a double-wide manufactured home located in the center of the property.

The man had provided us with two aerial photographs, taken in 1990 and 1997, neither of which showed the presence of a mobile home. When asked how these photographs supported his claim that the mobile home had been on the property since before the FEMA floodway designation, our complainant told us that the mobile home was not visible because it was located under the trees. We questioned this, given the 1999 aerial photograph and the Assessor's information.

To sort this out, we contacted the previous owner of the property. He told us that there had been a singlewide mobile home located in the center of the lot. That mobile home had been removed in 1985 and not replaced until the new owner, our complainant, placed a doublewide mobile very near the site of the original. The previous owner also told us that he had sold our complainant the property in 1999, but had not recorded the sale with the county until 2001 on the advice of his attorney. He said that, shortly after the sale of the property in 1999, our complainant had put the doublewide mobile home on the property.

We told our complainant that we were unable to support his claim that the mobile home had been on the property since before the FEMA floodway designation, and that DDES had no choice but to apply current code to his permit application. However, we contacted FEMA and learned that there is an appeal process for property owners located in designated floodways. We encouraged our complainant to apply to FEMA for a variance because a variance of the floodway designation is the only hope he has for obtaining a permit with DDES. His complaint that DDES unfairly denied him the permit was closed as unsupported.

## Citizen Concerned About Loss of Free Garbage Disposal

A Baring resident called objecting to the county's plans to charge for waste disposal, which had been offered for free, at a site in rural King County. Because the disposal site was unmanned, the County decided to implement the use of debit/credit cards to charge a fee of \$15.25 for waste disposal service. Our complainant said that many of the area residents are below the poverty line and do not have debit/credit cards. Also, that charging for garbage disposal, which was not offered commercially in the area, would create a financial burden for residents.

The man was also concerned that the Solid Waste Division had provided notice of the fee implementation plan at the Skykomish disposal site only to residents with post office boxes. He also stated that there had been no public hearing about the fees, and that charging for waste disposal would create the potential for illegal dumping in the woods and vandalism of the disposal site.

We contacted Solid Waste and discussed possible options to the use of debit/credit cards only. We were told that the department was giving consideration to the resident's suggestion of multiple-use cards. Residents would be able to purchase cards through solid waste, local municipalities, or the library. Local commercial establishments with extended service hours were also asked to offer the multiple-use cards. Finally, the implementation of the fee schedule was delayed for one and one-half months to allow time to pursue alternatives and possible ways of implementation.

We learned that, in 1996, the King County Council had held public hearings in connection with the annual budget process

PLEASE SEE **Disposal** ON PAGE 4

## Former Inmate Seeks Assistance in Locating Missing Property

The day after he was released from King County Jail, a man visited our office because he had not received all the property he had when he was booked. We learned that English was his second language. He told us that when he was released, he was given a property bag that contained shoes that were not his. His wallet, watch, and keys were missing.

He told the officer those items were missing, but said that the officer yelled at him to sign the property form. He told us that he signed the form acknowledging receipt of his property because he was anxious to get released. (The property form has two lines for inmates to sign when they are being released. One line is to acknowledge receipt of property; the other is to claim missing items.)

Ombudsman staff told the man about the county's claims process. He said he did not want to file a claim, but that he mainly wanted to get back his four keys. One key was to his home; the other three were for large equipment on his job. He was concerned about losing his job.

We called the jail property room, and asked whether there was a system to look for missing property of inmates being released. Property staff said there was no such system, and suggested that the man fill out a claim form. When asked if they would check in this case, property staff said that they would look when they received the man's claim.

Ombudsman staff followed up with the department director. We heard back from a major who told us that the jail was working with the county's Office of Risk Management to develop new property handling procedures. He said the procedures would include a significant effort to look for items missing from inmates' property upon release. He stated that the jail pays about \$16,000 per year on lost property claims, which in his words, was a small amount compared to the 60,000-plus bookings per year.

PLEASE SEE **Property** ON PAGE 4



# 2001 Ombudsman Statistics



Rendering by Stickney Murphy Romine Architects

## County Sells Pioneer Square Property for Artist Housing — Ombudsman Finds Flaws in Process

In 1985, Metro Transit acquired the historical Tashiro and Kaplan buildings located in Pioneer Square, for use in connection with the construction of the Metro bus tunnel. After completion of the tunnel construction, Metro determined it no longer had any use for the building and declared the property surplus in 1993. When King County merged with Metro in 1994, the county became owner of the property and landlord to a variety of businesses in the building, which included restaurants, a print shop, a video store, and various social service agencies.

Between 1995 and 1999, different studies were conducted on potential uses of the Tashiro Kaplan buildings including county office space. In 1998, the Pioneer Square Neighborhood Plan was issued by the Pioneer Square Planning Committee. The plan contained many references to affordable artist live/work space, and it included a recommendation to evaluate the feasibility of making surplus publicly-owned properties available for conversion to mixed-income housing. The Tashiro-Kaplan was listed as one of the potential properties.

In August 1999, the county’s Property Services Division officially placed the buildings on the surplus list. Prior to designating a property as surplus, the county must determine whether any other county department has a need for the property that is related to the provision of essential government services. If it is determined that the property is not needed for essential government services, the county’s policy requires Property Services to determine whether the parcel is suitable for affordable housing. In this case, the county determined that the property would be sold for development as affordable housing for artists and other occupations in the workforce.

Property Services issued a request for proposals (RFP) for the sale of the buildings in December 1999. The county estimated the fair market value of the property as approximately \$3,000,000. The RFP stated that the sale of the property would go to the most responsive and qualified bidder.

Only two proposals were submitted. Low Income Housing Institute (LIHI) of Seattle offered \$650,000 to build 77 units of affordable artist live/work space and workforce housing. Artspace Projects, Inc. of Minneapolis, partnered with the Pioneer Square Development Organization, offered \$1,080,000 cash to develop 50 units of affordable artist live/work space, plus \$1,500,000 over 30 years in discounted rent for 10,000 square feet to the county Office of Cultural Resources.

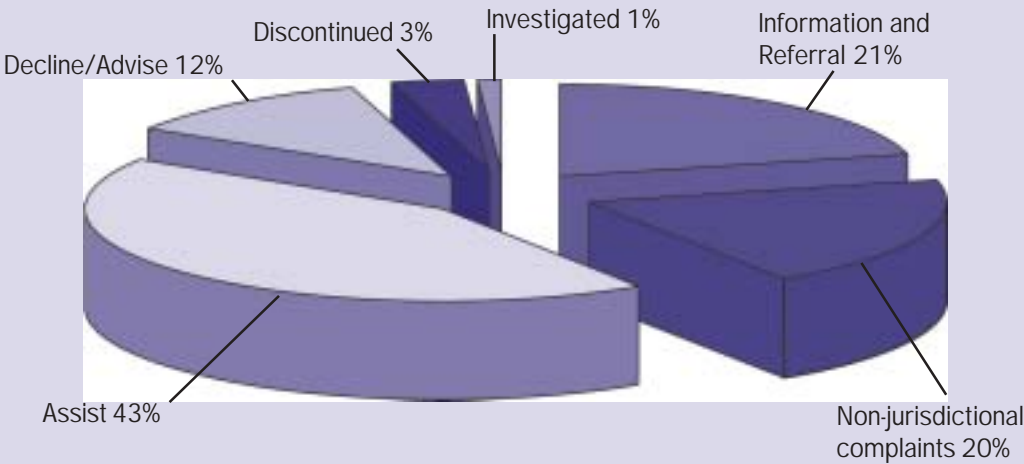
Property Services determined that both proposals were responsive to the RFP, and selected six members for the RFP review board. The review board was comprised of county Executive, Transit, Property Services, and Community and Human Services staff. Also serving on the panel was a project manager from the city of Seattle’s Strategic Planning Office, and a citizen who was also a Pioneer Square resident and architect.

PLEASE SEE **Sale** ON PAGE 8

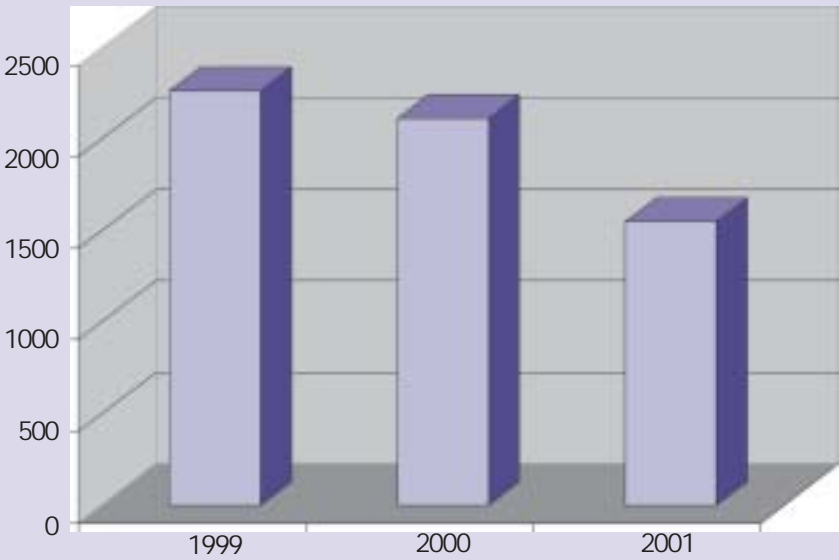
### Completed Inquiries

Department	Total
Adult and Juvenile Detention	138
Assessor's Office	34
Community and Human Services	34
Construction and Facilities Management	21
Development and Environmental Services	105
District Court	31
Executive	21
Finance	15
Human Resources Management	14
Information and Administrative Services	84
Judicial Administration	7
King County (general)	17
Metropolitan King County Council	50
Natural Resources	24
Parks	10
Prosecuting Attorney's Office	14
Public Health	194
Sheriff's Office	46
Superior Court	42
Transportation	82
Other (Non-jurisdictional)	478
Total	1461

### Disposition of Completed Inquiries



### Total Inquiries Received



Ombudsman inquiries consist of Information and Referral contacts; Assists; Non-jurisdictional complaints; and Investigations pursuant to the Ombudsman, Ethics, and Whistleblower code provisions.

# Ombudsman Case Studies

## Where Oh Where Is There a Kid-Friendly VanPool?



The ombudsman received a call from a woman who had just learned that she had been kicked out of her Metro VanPool group. She told us that the other vanpool members voted her out because they did not want to ride with her because she would be bringing her new baby on her commute. The woman was certain that her former vanpool group had unlawfully discriminated against her. She was also concerned as to how she would get to work after her baby was born.

We learned that Metro Rideshare staff had mistakenly advised the woman's vanpool members that they could decide, for whatever reason, who could or could not participate in their vanpool. The vanpool members, while parents themselves, said they enjoyed a quiet, timely and comfortable commute, and were not looking forward to riding to and from work with a crying child. For that reason they chose to vote our complainant out of the vanpool.

Vanpools are county-owned vehicles that are made available to groups of riders for the purpose of commuter travel to work and school. Metro encourages vanpool groups to run like small businesses since members' fares pay for the operational, capital, and a portion of the administrative costs of the program. Metro also encourages a democratic voting process for the rules the groups will use in their daily commute. However, because the vans are county-owned they are considered public accommodations, and vanpool members cannot discriminate against other members in any manner contrary to local, state, or federal law, including family status.

Vanpool members may vote out other riders for legitimate reasons such as excessive tardiness or non-payment of vanpool costs. Additionally, vanpool riders who do not participate in the vanpool for any period of time must pay for their empty seat, or find a substitute rider, in order to keep their spot. If vanpool riders bring children along, the child is treated just like any other rider and must pay for their seat. While our complainant was absent from the vanpool during maternity leave, the vanpool filled her seat in the van.

We contacted Metro Rideshare staff who stepped in to help resolve the problem. We encouraged Metro to remind vanpool coordinating staff and the vanpool program participants that discrimination against other vanpool members was prohibited. Metro staff helped our complainant form a new, kid-friendly, vanpool group. The mom reported that Rideshare customer service had been great, and we were happy to discontinue the complaint as resolved.

### OMBUDSMAN (*continued from page 1*)

Separate from changes to the ombudsman code, consideration should be given to expand the whistleblower code to include contractors, citizens, and other non-employees. Currently, only County employees may report improper governmental action, retaliation, and receive protection via the whistleblower code.

These changes would once again put King County and its ombudsman office ordinance in compliance with national standards and create a model for other governments.

It is important that my successors have adequate laws to ensure that the office has the necessary tools to best serve the citizens and employees of King County. They need assurance that the ombudsman office is independent in both structure and appearance; that it has the resources and ability to address matters in a non-partisan fashion; and that it can maintain the confidentiality of its investigative files to protect witnesses and complainants from concerns about retaliation.

Since opening for business in 1970, the ombudsman office has been asked for help more than 190,000 times. With the addition of tax advisor services in 1993, we have responded to an additional 100,000 requests for property tax information and assistance.

The service we provide is a real bargain for King County residents. Ombudsman and tax advisor services cost \$.31 and \$.13 respectively per resident in 2001. But were those who used our services happy or pleased with the services they received?

We ran an informal postcard survey of those who used our services during the last five months of 2001. We learned that the old saying of "You can't please all the people all the time" is true! But we also learned that we are doing a very good job in meeting people's needs and expectations.

Over 95% of those who contacted the ombudsman or tax advisor offices stated that they were treated courteously. 81% felt they were treated fairly. While we would have liked to have batted 100% on these scores, we did well considering the many times that our staff must tell a caller something that they don't want to hear.

Both the ombudsman and tax advisor staff were given high scores for how timely they responded to requests for assistance. Citizens who used ombudsman services gave staff an 89% approval rating for being timely. Tax advisor staff received a score of 91%. I think, as a whole, we received a very good report card from those who called us for information and assistance last year.

Time and technology have changed how we provide our services to the public. Computers and email have had a significant impact on how we receive complaints and on how we resolve them. Several of our contacts and complaints in the Ombudsman Office are handled entirely by e-mail.

Our office now has one of the best computerized complaint caseload management and tracking systems available. We can quickly provide statistical and closed case summary information to agency managers or policy makers with only the push of a few buttons. In the 1970's, we tracked

### DISPOSAL (*continued from page 2*)

prior to determining the waste disposal fee. However, in this case Solid Waste made an effort to inform the public of the impending fees at the Skykomish site by holding town meetings, and making brochures available at the town hall and local library, and through area mailings.

Solid Waste told us that they understood that imposing fees in situations such as this one posed a unique challenge. They sought to balance the need to offset the cost of operations and yet not encourage citizens to ignore the fees or to violate the law. Solid waste notified the Sheriff's Office about the potential for vandalism of the disposal site and illegal dumping. Solid Waste also added extra staff to man the dump site area during the transition period and installed surveillance cameras to monitor the site.

We informed the resident that his suggestions had been discussed and considered by the department, and that solid waste acted on many of them. He was advised that he was important in helping come to a fairer resolution regarding how payments for waste disposal were made in his area.

### PROPERTY (*continued from page 2*)

We also contacted Risk Management. The loss control manager told us that although the dollar amount may not be significant in total loss to the county, 20% of the total claims filed per year are for inmates' lost property.

The major told us that the issue of lost property is not taken lightly. As for the released inmate in this case, he said that the language issue may have contributed to the problem, but he believed the issues have been explained to him.

He stated that the facility was built for an inmate population of 1088, and a federal court decree established an inmate population lid at 1697. He stated that the Seattle facility is at less than 2% of that figure daily. The population increase along with the transfer of inmates and their property between facilities has had a significant impact on the jail's property storage system. They have attempted to get capital improvement money to improve the property storage system for the past five years. There is a small amount set aside in 2002 for this.

As a result of this complaint, the department will require officers to mark small plastic property bags with name and booking arrest number of the individual once the bag is sealed. The captain whose responsibilities include the property room will emphasize property procedures with the correction technicians. Improvements to property room procedures are ongoing.

## A Quick How-To Guide — How to File a Complaint

### Write it down.

Whether you are seeking service or filing a complaint, it's a good idea to keep records of the contact you have with an agency. Try to get the names of the staff people you speak with, and be sure to include the date of your conversation. Keep copies of any documents you get from, or give to the agency. A chronological sequence of contacts and dates is helpful in explaining your problem to the agency.

### Ask questions.

Some good questions to ask include:

- Why was my request denied?
- What law or policy applies?
- Was the law or policy applied consistently?
- What appeal process (if any) is available?

### Persistence and clarity can get you what you need.

Before you contact an agency, it's smart to decide exactly what the problem is and what remedy you are seeking. Pleasantly state the issue and what you want. Persist. Ask to speak with a supervisor.

### Pleasantness makes a big difference.

Public employees, like most of us, respond favorably when a positive and courteous approach is used.



## The Employee Code of Ethics — KCC 3.04

King County adopted the Employee Code of Ethics in 1969. The stated policy of the code is that the private conduct and financial dealings of county employees shall not present an actual or apparent conflict of interest between the public trust and private interest.

Complaints alleging an ethics code violation are made to the Ombudsman. Upon receipt of the complaint, we conduct a review to determine if the allegation presented in the complaint was true, would it constitute a violation of the ethics code? If the answer is yes, or if the matter requires additional investigation, we initiate an investigation by serving the respondent with a copy of the complaint.

Respondents in ethics complaints are afforded due process rights, such as the right to be represented by legal counsel or union representation, and the right to present witnesses and evidence on their own behalf. The results of our investigation are reduced to written findings which include a determination as to whether an ethics violation occurred. Respondents may appeal reasonable cause findings to the Board of Ethics.

## The Ethics Board — How It Serves You

### Training and Education

The ethics staff conducts an orientation for new county employees, a half-day training for supervisors, and on-site training to address agency-specific concerns. Contact your supervisor, or the ethics office, for more information on trainings and to schedule a class.

### Information Resource

If you have a question about an ethics-related issue, you may contact the ethics office by phone at 296-1586 or by e-mail at [board.ethics@metrokc.gov](mailto:board.ethics@metrokc.gov). The ethics administrator is available to offer reference information based on the ethics code and past advisory opinions issued by the Board of Ethics.

### Advisory Opinions

If you are unsure whether an action or interest violates the ethics code, you may request an advisory opinion from the ethics board. Advisory opinions are intended to provide guidance and prevent future actions that may violate the code. Requests must be in writing and submitted to the ethics administrator. The full text of all advisory opinions, as well as procedures for issuing opinions, may be found on the ethics board web site at [www.metrokc.gov/ethics](http://www.metrokc.gov/ethics).

## Employee Whistleblower Protection — KCC 3.42

The whistleblower code provides a process for employees to report improper governmental action and retaliation. Improper governmental action means any action by a county officer or employee undertaken in the course of the employee's official duties which violates any county, state, or federal law; constitutes an abuse of authority; creates a substantial danger to public health or safety; or results in a gross waste of public funds. Employees who report improper governmental action are protected from retaliation.

The whistleblower code provides direction as to which agency employees should report improper governmental action. Whistleblower complaints must be made to the appropriate investigating official as specified in KCC 3.42.020(A), and most importantly, must be made in writing. Retaliation for whistleblowing should be reported to the Ombudsman, in writing, within thirty days of the alleged retaliation.

We encourage employees to review the whistleblower code and to pay special attention to the reporting requirements. Ombudsman staff are always available to answer employee questions about the whistleblower protection code.

## Citizen Questions King County Housing Authority Resident Commissioner Appointment

A citizen complained that the King County Executive and members of the executive's staff violated the ethics code by granting special treatment to an applicant for the King County Housing Authority resident commissioner position. The complainant was a Housing Authority tenant who had also applied for the resident commissioner position. The complaint alleged that the executive's office accepted the applicant's application after the posted deadline and, upon learning that the applicant did not meet the residency requirement specified in the King County Code, changed the code to accommodate the applicant's appointment to the King County Housing Authority Board of Commissioners.

The King County Housing Authority is a municipal corporation which operates pursuant to the State Housing Authorities Law (RCW 35.82), the Housing Cooperation Law (RCW 35.83), and the United States Housing Act of 1937 (USC 1437). The KCHA was created in 1939 by resolution of the King County Board of Commissioners. All powers of the KCHA are vested in a five-member Board of Commissioners. Commissioners are appointed by the executive and confirmed by the County Council.

In 1996, when concerns were raised about Housing Authority management, the County Council approved an ordinance which required that at least one person appointed to the KCHA Board of Commissioners be a resident of public housing owned or managed by the Housing Authority. In October 1998, President Clinton signed the Quality Housing and Work Responsibility Act of 1998, which among other things, required resident membership on public housing agency boards. The federal law presented a broader notion of resident membership which included Section 8 recipients as well as public housing residents. The resident commissioner requirement was incorporated into Washington State law in 1999.

On July 20, 2000, the executive's office sent a letter to KCHA Resident Councils soliciting applications for the vacant resident commissioner position. (Prior to the recruitment letter going out, KCHA staff informed the executive's office of the change in federal law that made Section 8 recipients, who may live in private, non-KCHA housing, eligible to serve as resident commissioners.) The deadline for resident commissioner applications was August 15, 2000.

The executive's office reported receiving only three applications for the position on or about August 17, 2000. Two of the applicants lived in KCHA public housing, and the third applicant was a Section 8 recipient who lived in private housing. The three applications were provided to the executive's Boards and Commissions Review Team, who recommended the Section 8 tenant as resident commissioner. The executive accepted the review team's recommendation, and notified each applicant of his decision in November 2000.

In January 2001, the executive sent an amendment to the County Council to ensure that the resident membership requirements of the King County Code conformed to state and federal law requirements for resident membership. The County Council approved the executive's proposed changes at a March 26, 2001 meeting. Later, at the same meeting, the council confirmed the executive's appointment to the resident commissioner position on the KCHA Board.

We were unable to substantiate the complainant's allegation that the executive's office showed special treatment by accepting the resident commissioner's application after the recruitment letter's stated deadline. The executive's office did not have a policy requiring that all correspondence be date-stamped, therefore, we were unable to establish when the application was received. Also, while the board and commission application form had a signature line, it did not have a date-signed line.

We found that there was no evidence to suggest that the executive's proposal to amend the resident commissioner qualifications in the county code to conform to state and federal law was done for the sole benefit of the selected resident commissioner. The change in the county code applies to all KCHA recipients of Section 8 housing services, and therefore, was not special treatment in violation of the ethics code.

## Executive Accepts Recommendations for Improvements in Housing Authority Commissioner Recruitment Process

As a result of our investigation of the above complaint, we made suggestions to improve the recruitment and documentation process for KCHA board appointments. First we pointed out that, while the code requires at least one resident member on the KCHA board, it did not preclude the appointment of more than one resident. Therefore, we suggested that the executive's office notify the KCHA and its residents of each commissioner vacancy.

We noted that the executive's recruitment letter to KCHA resident councils gave a short timeframe (26 days) to notify members of the vacancy, resulting in an even shorter timeframe for interested residents to submit applications. We questioned whether this was the reason the executive received only three applications for the position. To provide for a larger pool of applicants, we suggested that the executive give at least sixty-days notice of board vacancies.

We also suggested that the board and commission application form (which is used in all county board and commission recruitments) be amended to include a date-signed line. Finally, we suggested that the executive institute a practice of date-stamping board and commission applications upon receipt.

The executive's office accepted and instituted each of our suggestions.

# Office of the Tax Advisor

## Auburn Senior's Taxes Double Tax Advisor Discovers Error and Property Tax Bill Is Reduced by Half

An Auburn senior called the tax advisor office last March asking why his 2001 taxes had more than doubled from the prior year. He said he had a 1300-square foot rambler constructed in 1959 on two acres that were mostly wetlands. He emphasized that he had made no changes to his property and was not prepared for such a drastic increase.

We looked at the Assessor's records and were able to identify information on record that had been overlooked by the Assessor, warranting a reduction in assessed value of \$173,600 and lowering the taxes from \$5,000 to \$2,500 within 30 days without the delay of an appeal. The department was responsive to our request to address the problem expeditiously when we brought the oversight to their attention. As is often the case, we knew what to look for in the records and whom to contact to get quick resolution.

We first looked at the property's assessed value history. In August of 2000, the house value had been reduced from \$71,000 to \$1,000. The land value had quadrupled from \$89,000 to \$353,700. The taxpayer had no recollection of receiving a notice of this assessed value change (and signed an affidavit to that effect). We then reviewed the property characteristics. They showed a commercial zoning designation and water problems but no notation of a study delineating the extent of the wetlands.

Our review of the Assessor notes revealed the critical information. According to a November 2000 note, appraisal responsibility for the property had been shifted from the residential division to the commercial division in 1997, due to a City of Auburn zoning change to light industrial. The note also indicated that the improvement information was not re-entered into the system. It went on to say that a field visit verified that single-family use was the highest and best use, the state standard for appraisal.

A February 2001 Assessor note indicated floodwater with run-off from adjacent parcels negatively impacting 75% of the land. This note showed a land value calculation different than that in the value history.

Due to other priorities, the department originally wanted the taxpayer to pursue a value change through the appeal process. This would also have allowed them time to confirm the information. We advised the taxpayer to file an appeal to the Board of Equalization to ensure his right to a review. We had him withdraw his appeal once we persuaded the department to process a correction. We were able to do this because the records indicated the fieldwork and calculations had already been done. Several weeks later, we were able to advise the taxpayer of the corrected bill prior to its first due date.

## Help for Seniors Dropped from Exemption Program

Last year, we received several calls from seniors who had received tax bills for property taxes based on full market value. In each case, the seniors had been previously enrolled in the senior exemption program. Participants in the program must meet the requirements based on age, residency and income. Upon enrollment in the senior exemption program, assessed values are frozen at the year of acceptance, and some seniors pay lower property taxes based on income level. The seniors who called us wanted to know why they had been dropped from the program and how to get re-enrolled.

According to the Assessor's exemption office, program participants must re-enroll in the program every four years. Last year the Assessor's office sent out over 7000 renewal notices. The renewal notices request updated eligibility information. Exemptions staff sends out two reminder notices to those who do not respond to the initial renewal request. Seniors who still do not respond receive cancellation letters advising them they will be dropped from the program unless they re-enroll. Unfortunately, some seniors do not complete and return the renewal form to the exemption office. When this happens, the exemptions are discontinued.

In cases where the seniors' exemption had been cancelled, we assisted them with re-enrollment. We provided renewal forms, and advised that there might be some lag time before re-enrollment in the program is processed. Those waiting should pay any outstanding property taxes so as not to become delinquent. Upon re-enrollment in the program, seniors can apply for a refund for any additional taxes paid.

**Note:** To seniors who are currently enrolled in the exemption program, be diligent when you receive a renewal form. Contact the exemption office at 206-296-3920 or the tax advisor office at 206-296-5202 for assistance.

## How to Appeal Your Property Valuation

### Read both sides.

King County property owners receive an Official Property Value Notice annually. These are not tax bills, but the values established by the Assessor are the basis for taxes due the following year. Carefully read both sides of this black and white postcard. The card tells you what your old and new assessed values are, who to call with questions, various options for tax relief, how to start an appeal if your value is incorrect, and most importantly, your appeal deadline. In most cases, this will be sixty days from the mail date on the card.

### Ask yourself, does this notice reflect market value?

State law (RCW 84.40.30) requires the Assessor to appraise all properties at 100% of market value. One of the ways to determine if your property is valued accurately is to check whether properties similar to yours sold for your property's assessed value. If not, check that the Assessor has the correct characteristics for your property. Your characteristics are compared to recent similar sales to assign your value. Review the Assessor's area report. This report lists all the sales the Assessor used to assign value. The tax advisor office can also provide sales information.

### What to do if you want to appeal.

If comparable properties in your area are selling for less than your assessed value, you may wish to file an appeal with the King County Board of Equalization. List the sales that support your request for a value reduction. Provide other documentation such as pictures, repair bids or geology reports if there are structural or site problems that could reduce market value. Appeal petitions can be obtained from the tax advisor office, the Board of Equalization at 206-296-3496, or via the internet at [metrokc.gov/appeals](http://metrokc.gov/appeals).

### Call if you have questions.

Don't delay. You can only appeal your assessed value, not your actual property taxes. Tax advisor staff are available to assist you in all residential property value and tax matters. We can be reached at 206-296-5202.

## Property Tax Information Now on the Internet

King County now offers taxpayers online access to property tax information. The new web site, [www.metrokc.gov/propertytaxes](http://www.metrokc.gov/propertytaxes), was introduced in September 2001. The system provides taxpayers with current billing, payment information, and payment records for the previous three years. Taxpayers can view tax and value information as well as request a copy of their tax bill. There are also links to frequently asked billing and collection questions and other tax related sites.

Taxpayers can access property tax data by going to the site and entering their tax parcel/account number. This number is located on your official property value notice and property tax statement. Taxpayers can also get their account number by calling the department of Assessments at 206-296-7300.

## Taxes Paid, but Credited to Wrong Account

An Alaska couple who had purchased a new home near Redondo contacted the tax advisor office to find out the assessed value of their property. We looked up their property tax account and were surprised when it showed a Covington property.

We searched property records and discovered that the couple's escrow company that handled the transaction was at the same time processing the purchase of a home in Covington for a different taxpayer. The escrow company had inadvertently assigned the Covington property tax account/parcel number to the Redondo property. This resulted in a name change to the Covington property in the County record, which of course was incorrect.

The couple's mortgage company paid the second half taxes for 2001, but the payment was credited to the Covington property. Fortunately, the couple did not owe taxes for 2001, and the error was identified in time for the 2002 tax year.

We processed a name and address change request and advised the Redondo couple to notify their escrow company of the error. Once notified, the escrow company made the correction.



# Bellevue Citizen Gets Property Tax Reduction

A Bellevue resident called the tax advisor office in March upset about her 2001 tax bill, which was \$15,317 more than the prior year. We reviewed her account and explained that she was being charged for 3 years of back taxes. Her prior bills had been for land value only. The assessor had not been assessing her for her house which was built in early 1997.

State law allows the assessor to go back 3 full years to recover omitted value (RCW 84.40.080 and WAC 458-12-050). The taxpayer was relieved to hear that the law also gives her an extra year to pay back taxes in these circumstances.

We also identified an opportunity to reduce her bill. State law requires that property be assessed at 100% of market value. She purchased the property in May of 1997 for \$454,800, \$38,200 less than the 1997 assessed value. Our review of sales in her neighborhood, and her fee appraisal, confirmed that her purchase was at market rates. We found that sales also indicated a market lower than her assessed values for 1998 and 1999. (The assessed value for 2000 seemed consistent with the market.)

She had missed the 60-day deadline for appeals. However she had not received notice of these value increases, so we helped her file No Notice Reconvene petitions to the Board of Equalization pursuant to WAC 458-14-127(1)(a). On reconvene, the Assessor reviewed the information in the taxpayer's petitions and recommended value reductions for three years totaling \$107,000; reducing her tax bill by \$1,373.

## The Tax Advisor Office at a Glance

### Who We Are

The King County Council established the Property Tax/Evaluation Advisor in 1971. In 1993, the tax advisor office became a section of the King County Office of Citizen Complaints-Ombudsman. State law, RCW 84.48.140, provides counties with legislative authority to designate property tax advisors to assist persons responsible for payment of property taxes. By law, the tax advisors must be independent of the Assessor's office.

### What We Do

The tax advisor office responds to citizen concerns regarding the valuation of property, local and state appeal processes, and the tax collection process. Tax advisor staff is familiar with Washington State and King County property tax laws, assessment practices, appeal processes and strategies.

The office assists the public by:

- Answering questions on assessments, appeals, exemptions, and levy rates;
- Researching recent sales of properties for taxpayers evaluating their assessments; and
- Working with the King County Departments of Assessments and Finance, King County Board of Equalization, Washington State Board of Tax Appeals, and Washington State Department of Revenue to resolve taxpayer problems.

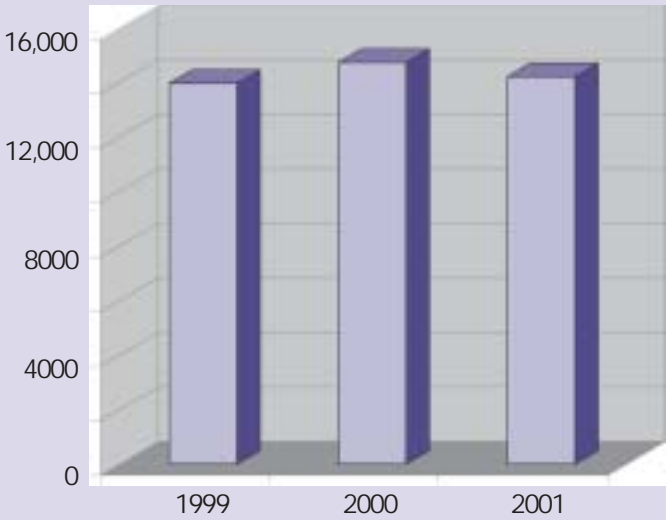
### How to Reach Us

You can reach us by telephone at 206-296-5202, by fax at 206-205-0770 or e-mail at [taxadvisor@metrokc.gov](mailto:taxadvisor@metrokc.gov).

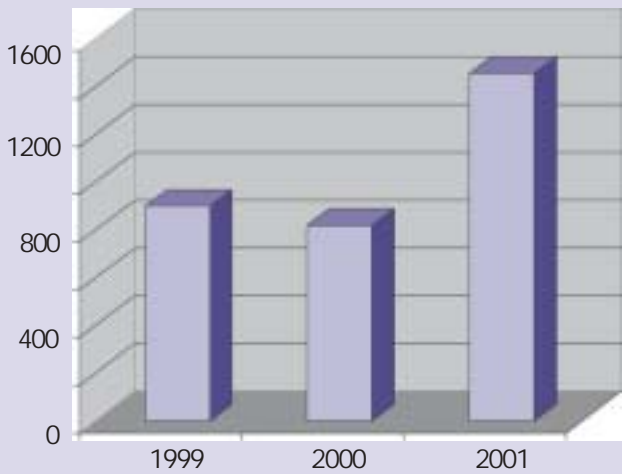
We are available by appointment or on a first-come/first-served walk-in basis. The tax advisor office is in Room 540 of the King County Administration Building, 500 Fourth Avenue, Seattle, WA 98104. Our office hours are Monday through Friday from 8:30 a.m. - 4:30 p.m.

# Tax Advisor Statistics 2001

## Total Contacts



## Market Studies



# Vashon Property Owner Pursues Appeal Process to the Bitter End

A taxpayer contacted us about his three parcels on Vashon Island. One of the parcels had a home on it, and the other two were vacant land parcels. He had seen his assessed value on each parcel continue to rise to a point where he was considering selling because he could no longer afford the property taxes.

He had been through the local appeal process with the Board of Equalization in which the Assessor's value had been sustained on all three parcels. The taxpayer had continued his appeal to the state Board of Appeals. The state board determined that the Assessor's market evidence was more current than the taxpayer's. The Assessor had used a contiguous waterfront parcel as a comparable sale that would have shared location characteristics with the taxpayer's parcels which convinced the state to sustain the Assessor's original valuation of the man's properties.

The taxpayer called us after he had received the state's decision. Frustrated, he told us that he had provided both market evidence and supporting documentation. He also denied that the Assessor's sales for the state appeal were comparable and said that the plat map the Assessor used portrayed the parcels inaccurately. (The state had acknowledged the mapping error but felt the taxpayer had not provided any information which could have resulted in a different decision.)

We explained that the taxpayer could seek an exception to the state board's proposed decision. The letter of exception needed to be filed within twenty calendar days of the date of mailing of the state's proposed decision. We advised that the exception letter should state where the state board had not considered the evidence or that there was an omission of pertinent facts.

We suggested that the taxpayer get an opinion of market value for each parcel from an experienced realtor on Vashon. We told him to ask the realtor what the improved parcel could have sold for and what market value was for the vacant land parcels. Also, that the realtor should look at two years of previous sales just as the Assessor had done to establish his 2001 assessed value.

The realtor he contacted was a specialist in residential land sales and development. The realtor did a walk-through of the improved parcel and also looked at the vacant land parcels and their limitations. His recommendation was that the improved parcel, because it was waterfront, could sell for its appraised value. However, the realtor felt that the vacant land parcels, due to various restrictions, including access, had been overvalued by the Assessor. He said that restrictions to construction and required setbacks due to sensitive area and wetland regulations prevented a sale of either parcel for building purposes.

The state board reviewed the taxpayer's request for exception, but found no basis for changing the original decisions. The board determined that the Assessor had considered the restrictions of use on the two vacant parcels, and had appraised the properties at minimum value.

**Note:** It has been our experience that exceptions to state decisions are rare. Decisions are seldom overturned, because the state appeal process is so thorough.

# County Employees Who Helped Us Help You in 2001

The ombudsman and tax advisor offices would like to acknowledge the following King County employees who helped us help citizens better in 2001. Thank you.

**Kyle Aiken, Legal Advisor,  
Sheriff's Office**

We consult with Ms. Aiken from time to time on complaints about the Sheriff's Office. Ms. Aiken always takes extra time to make sure we have the information we need on a case.

**Ken Craig, Programmer Analyst III,  
Information Services Division,  
Department of Assessments**

Mr. Craig developed the new computer sales search program (CompSales) used by Assessments, the tax advisor, and the public. He solicited suggestions and welcomed ideas from all users. In doing so, he created a flexible, user-friendly tool that makes sales information more accessible, enhancing service to the public.

**Facilities Maintenance,  
Building Services Section,  
Facilities Management Division**

The construction crew assigned to the ombudsman office after the Nisqually earthquake did a great job. They repaired and replaced earthquake-damaged walls, plumbing and electrical systems. They did a quality job and worked hard not to interfere with our office operations. And, they did it with a smile.

**Tom Friedel, EAP Coordinator and  
Pam Wyss, EAP Manager,  
Employee Assistance Program**

Both Mr. Friedel and Ms. Wyss have been helpful resources to the ombudsman office. They have helped us find assistance for county employees experiencing stress. EAP is a great resource for employees, supervisors, and managers.

**Pannee Newprasit,  
Customer Service Specialist III,  
Treasury Division**

Ms. Newprasit is a very friendly, pleasant person at the name/address change desk. The tax advisor office has observed that name and address changes have been processed much faster since Ms. Newprasit has been handling them. Her in-basket is usually empty which indicates an efficient and accurate employee.

**Sergeant Pat Raftis,  
Property Management Unit,  
Sheriff's Office**

The staff in ombudsman office used to contact Sergeant Raftis when he worked in the Sheriff's Internal Investigations Unit. We found him to be a helpful investigator who was very open with the facts.

**David Regnier,  
Senior Deputy Prosecuting Attorney,  
Prosecuting Attorney's Office**

Mr. Regnier is assigned to provide legal advice to our office. His insights and advice on county and state law have been invaluable over the years.

**Treasury Operations and  
Information and  
Telecommunication Services**

These agencies developed a new web site, [www.metrokc.gov/propertytaxes](http://www.metrokc.gov/propertytaxes), which provides taxpayers with convenient access to property tax bills and payment information. Internet users have been delighted with the site, which allows them to avoid phone queues and busy signals now and in the future. The tool is a great help with the tax advisor workload.

## SALE (continued from page 3)

In April 2000, the review board recommended the Artspace proposal to Property Services. Property Services accepted the board's recommendation and passed it on to the County Executive, who in turn, sought approval of the sale from the County Council.

Shortly before the council was scheduled to vote on the ordinance authorizing the sale of the property, the executive director of LIHI, the losing proposer, filed a complaint with the ombudsman. Our investigation focused on the process leading up to the sale of the buildings and the clarity of the RFP. We found that Property Services' selection process was unfair. Specifically, despite a clear statement in the RFP that proposals considered for selection must comply in all respects to the RFP, deviations were allowed in the development proposal for affordable housing.

One was the agency's acceptance of a 30-year lease back to a county office included in the winning proposer's financial qualification package despite a clear statement in the RFP that the county would not provide any financial guarantees on either the proposer's investment or its financial resources package. No other proposers were given the benefit of information that the county would accept a proposed 30-year lease, although the county office notified Property Services of their interest in office space in the building six months prior to the issuance of the RFP.

The winning proposal was also allowed to deviate from the RFP's limit to the number of units for people in a specific income range. Property Services maintained that the winning proposal's deviation by one less unit or two percent less housing units for persons within the RFP's designated income group was insignificant simply because of the benefits in the proposal.

We also determined that Property Services failed to clarify whether the RFP called for both artist/work space and workforce housing. Rather, pre-bid conference attendees who asked for clarification were referred back to the RFP, which itself was unclear as to the housing mix requirement. In addition, we found that Property Services did not act upon a potential conflict of interest of a review board member who was also a member of the board of directors of an organization that openly supported the winning proposal.

As part of our investigation, we found there were no administrative guidelines governing the sale of county surplus real properties. We interviewed and gathered information from other governmental jurisdictions on acceptable property surplus practices. The state procurement office advised us of three Washington State Supreme Court decisions, which while applicable to government purchasing, define the spirit of the award of public contracts as ensuring that the administration of competitive bidding for any purpose is fair, with clear and definite specifications.

Based on our findings, we made five recommendations to Property Services. First, we recommended that in order to have an accurate record of what was represented by the county and its response to questions by prospective bidders, that Property Services tape record or take notes at pre-bid conferences. Property Services initially disagreed with this recommendation. However, after our final report was issued, the new manager of the Facilities Management division agreed to implement this recommendation.

Our second recommendation was that Property Services review proposals to determine whether they meet the threshold requirements set in the RFP prior to assigning proposals to a review board. The agency disagreed with this recommendation, and stated that it did test the proposals against the RFP requirements.

The third recommendation was that the agency develop a form for prospective review board members to declare potential conflicts of interest in the evaluation of proposals. Property Services agreed that there was merit to this recommendation. The agency stated that conflicts of interest were not the main concern, because many professionals, who are affordable housing advocates, volunteer on various boards. Professional and personal associations made through volunteer work often results in familiarity with the principals or organizations making proposals. The agency said that a disclosure form could be helpful in ensuring such associations were on record.

Our fourth recommendation was made based on our finding that the process had been unfair to LIHI. We took the unusual step of recommending that Property Services fairly and equitably compensate LIHI for costs in developing the proposal in response to the RFP. The agency disagreed with our findings and rejected this recommendation.

Our fifth and final recommendation was for the development of administrative policies and procedures for the sale and disposal of surplus real property. Property Services rejected this recommendation, and stated that the county's policy on the disposal of surplus property was already established in the King County Code.

The ombudsman concluded that our recommendations were designed to maximize the public confidence in the Property Services Division's actions and procedures that were highlighted in our investigation. We hope that the division's defense of its own procedures does not diminish its desire to implement internal or external procedures for what we determined are necessary and desirable changes in their processes.

## OMBUDSMAN (continued from page 4)

complaints using knitting needles and key-sort cards with holes punched in them. It would take weeks to create statistical reports compared to the few minutes it takes us today.

King County is fortunate to have well trained and experienced staff in the ombudsman and tax advisor offices. All of the ombudsman staff have completed intensive mediation training. They are also certified as investigators by the Council of Licensure, Enforcement, and Regulation (CLEAR), which is part of the Council of State Governments. Our three investigators and ombudsman have a collective total of 68½ years of ombudsman experience. This includes 51 years of experience and institutional knowledge about King County government

The three tax advisor staff have a collective 29½ years of experience in assessment and land management matters. They also have extensive training in their field as they take most of the same classes offered by the state and professional associations as the Assessor's staff.

In closing, I am proud that the office is providing a needed and cost-effective service to King County residents. I am hopeful that the ombudsman code will be reworked so it once again stands as a model for other municipalities.

## Can We Talk?

Staff from the ombudsman and tax advisor offices are available to meet with community groups to explain the services we provide. Give us a call. We'd love to meet you.

### Office of Citizen Complaints - Ombudsman

516 Third Avenue, Room 213  
Seattle, WA 98104-2319  
(206) 296-3452 V/TTY  
(206) 296-0948 FAX  
[ombudsman@metrokc.gov](mailto:ombudsman@metrokc.gov)  
[www.metrokc.gov/ombuds](http://www.metrokc.gov/ombuds)

### Tax Advisor Office

500 Fourth Avenue, Room 540  
Seattle, WA 98104  
206-296-5202 V  
206-205-0770 FAX  
[taxadvisor@metrokc.gov](mailto:taxadvisor@metrokc.gov)

Alternate formats for persons with disabilities available upon request.